

REMARKS

By this amendment, claims 50, 51, 53, 54, 56, 57, 59 and 60 are canceled. Claims 49, 52, 55, 58 are pending. No issue of new matter arises.

Rejections withdrawn

Applicants respectfully acknowledge withdrawal of the rejection under 35 U.S.C. §103(a) of claims 49-54 over Akerblom.

Rejections under 35 U.S.C. §102

Claims 50, 51, 53, and 54 were again rejected and new claims 56, 57, 59, and 60 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Akerblom (US Patent 5,789,198). To simplify prosecution and to allow prompt allowance of claims 49, 52, 55 and 58 as discussed below, claims 50, 51, 53, 54, 56, 57, 59, and 60 are canceled. Reconsideration and withdrawal of this objection are respectfully requested.

Claims 49, 52, 55, and 58 were rejected under 35 U.S.C. §102(e) as possibly being anticipated by Mounts (US Patent Application Publication 2005/0118625). The Office Action indicated: "At present Applicant cannot rely upon the domestic or foreign priority papers (60/461005 and France 0301543) to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55 and 37 CFR 1.78." Applicants herewith provide a verified/accurate translation of the French document into the English language thereby obviating this rejection. Reconsideration and withdrawal of this rejection are respectfully requested.

New Rejection under 35 U.S.C. §103

Claims 50, 51, 53, 54, 56, 57, 59, and 60 were rejected under 35 U.S.C. 103(a) as being allegedly "unpatentable over Akerblom 'Human leptin receptor-related protein' (US Patent 5,789,198) in view of Mounts as applied to claims 49, 52, 55, and 58 above, and further in view of US Patent 6,010,852 to Hillman et al. To simplify prosecution and to allow prompt allowance of claims 49, 52, 55 and 58 as discussed above, claims 50, 51, 53, 54, 56, 57, 59, and 60 are canceled. Reconsideration and withdrawal of this objection are respectfully requested.

Conclusion

Entry of the amendment is proper under 37 C.F.R. §1.116 because the amendments a) place the application in condition for allowance; b) do not raise new issues requiring further search and/or consideration; c) comply with a suggestion made in the Office Action; and/or d) place the application in better condition for appeal should an appeal be necessary.

In view of the above amendments and remarks, Applicants respectfully submit that the application is now in condition for allowance and request prompt issuance of a Notice of Allowance. If the Examiner wishes to suggest additional amendment that might put the application in even better condition for allowance he is invited to contact Applicants' representative at the telephone number listed below.

Fees

No fees not otherwise provided for are believed necessitated by the instant response. However, should this be in error, authorization is hereby given to charge Deposit Account no. 18-1982 for any underpayment, or to credit any overpayments.

Respectfully submitted,

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